

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>1/18/2022</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SURGICAL SPECIALISTS OF GREATER
NEW YORK,

Plaintiff,

-v-

AETNA, INC. *et al.*,

Defendants.
-----X

ORDER

21-CV-9706 (LAK) (JLC)

JAMES L. COTT, United States Magistrate Judge.

By Order of Reference dated November 29, 2021 (Dkt. No. 10), Judge Kaplan referred this case to me for general pretrial supervision, including settlement. Moreover, by joint letter dated January 18, 2022 (Dkt. No. 25), the parties have requested to have a settlement conference with the undersigned. The parties are directed to advise the Court within 30 days when they wish to schedule the settlement conference. The parties should do so by filing a letter-motion on the docket that indicates at least three dates that are mutually convenient for the parties. Alternatively, counsel are free to e-mail my deputy clerk, David Tam, at David_Tam@nysd.uscourts.gov to find a mutually convenient date for the parties and the Court. In light of the COVID-19 pandemic, any settlement conference in the foreseeable future will likely be conducted telephonically. Using the Court's conference line system, the Court will begin the settlement conference in joint session with all parties on the line before breaking into private session and

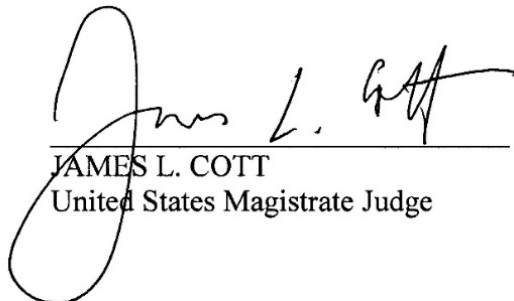
speaking to the parties individually, as the technology the Court is using can facilitate breakout sessions with each side.

However, if all parties wish to have the Court provide a video platform (Microsoft Teams or Zoom) and not simply proceed telephonically, they may so advise the Court and the Court will then schedule a conference to discuss logistics. Alternatively, if all parties wish to proceed in person, they may write to the Court requesting an in-person conference. An in-person conference would be permitted only if all participants in the conference (attorneys, clients, and any interpreters) comply with the Court's most recent COVID-19 Protocol (available at <https://www.nysd.uscourts.gov/covid-19-coronavirus>). For avoidance of doubt, all parties must agree to proceeding by video conference or an in-person conference and make a joint application for the method that is preferred.

Finally, the briefing schedule for Defendants' motion to dismiss (Dkt. No. 19) will be stayed while settlement efforts to resolve this dispute are undertaken.

SO ORDERED.

Dated: January 18, 2022
New York, New York



JAMES L. COTT
United States Magistrate Judge